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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ALEJANDRO ORTIZ,

12 Petitioner,

13 v.

14 UNITED STATES OF AMERICA,

15 Respondent.
16

Case No.: 13-CR-3486-L-1

**ORDER DENYING MOTION FOR
MODIFICATION OF TERM OF
IMPRISONMENT PURSUANT TO
18 U.S.C. § 3582(C)(2) [ECF NO 57.]**

17 Petitioner Alejandro Ortiz (“Petitioner”), proceeding *pro se*, filed a motion for
18 relief of sentence pursuant to 18 U.S.C. § 3582(c)(2) requesting a reduction in the term of
19 his custodial sentence. [ECF NO 57.] On April 27, 2015, Petitioner was sentenced by
20 this Court to 120 months in the custody of the Bureau of Prisons, with a 5 year term of
21 supervised release to follow, after he pled guilty to one count of distribution of
22 methamphetamine in violation of 18 U.S.C. §§ 841(a)(1).

23 Under Section 3582(c)(2), a Court may modify a defendant’s term of
24 imprisonment where the originally applied sentencing range has subsequently been
25 lowered by the Sentencing Commission. 18 U.S.C. §3582(c)(2). Petitioner’s motion is
26 based upon Amendment 782 of the Sentencing Guidelines which reduces the base offense
27 level for some drug trafficking offenses listed in the Drug Quantity Tables at U.S.S.G.
28 §§2D1.1(c) and 2D1.11 of the Sentencing Guidelines, including the offense to which

1 Petitioner pled guilty. *See* Amendment 782, Supplement to Appendix C, Amendments to
2 the Guidelines Manual.

3 Amendment 782 became effective November 1, 2014 and consequently, the
4 Guidelines applied to Petitioner's April 2015 sentence incorporated Amendment 782, as
5 indicated in the probation department's pre-sentence report, the sentencing summary
6 charts provided by both the government and Petitioner, and the Court's ultimate sentence.
7 Therefore, Petitioner is ineligible for relief because he has received the benefit of the
8 Amended Guidelines and no further reduction in his sentence is warranted under 18
9 U.S.C. §3582(c)(2). U.S.S.G. § 1B1.10(a)(2)(B). Accordingly, the Court **DENIES**
10 Petitioner's motion.

11 **IT IS SO ORDERED.**

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13 Dated: May 1, 2017

14 
15 Hon. M. James Lorenz
16 United States District Judge
17

18 COPIES TO:

19 PETITIONER

20 U.S. ATTORNEY'S OFFICE
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